

California Transportation Conformity Working Group

Wednesday, November 3, 2004

ARB's 13th and T Street Conference Room

NOTES

10:30 Welcome; introductions; housekeeping; agenda review

10:40 FHWA Updates

- Update on Status of TEA-21 Reauthorization – Steve Luxenberg
At this point TEA-21 has an 8-month extension; we really don't know when congress will revisit the proposal.
- Transportation Conformity Checklists – Steve Luxenberg
New checklists being done to simplify the checklists. The old ones will be removed from the website. We will substitute the new checklists when ready in the RTP guidelines
- Statewide FSTIP – Jean Mazur
 - Finding: Wade Hobbs (FHWA) / and Abhjit Badge (Caltrans)
FHWA approved the FSTIP on October 4th, with several conditions & exclusions. No amendments can now be developed until the exclusions are resolved. Excluded from the finding were Sacramento and Tahoe, Santa Barbara's Interim TIP was only included. The conditions: SHOPP, STIP, and HBRR projects are held for 6 months pending added documentation of financial constraint. FTA 5311 funds were excluded in 8 areas. The SHOPP conditions have now been satisfied. Abhjit responded that the SHOPP projects in the FSTIP can now move forward. Revised STIP documentation should be submitted within 1 week. STIPs – MPOs that are programmed based on the August, 2004 STIP can be amended as needed to match. Caltrans is revising the bridge list and hopes to get it to MPOs by November 23rd. We'll need to make amendments by February 15th. 5311 – overprogramming – requesting amendment to reduce to apportionment.
Questions: Cari Anderson: Will FTA issue a letter regarding the 5311 lifting restrictions? Response: Abhjit: We can ask for a letter like the FHWA SHOPP project letter. Cari: Will the letter cover all projects or be a partial coverage? Response: Abhjit: We will try to get a partial letter from FTA . Question: SANDAG: What about pending amendments – how will they be handled? Response: Abhjit: Caltrans is holding amendments until we receive a letter from FHWA that we can move forward with amendments. Question: Leann: Will changes in financial constraint for amendments affect conformity? Response: Wade: It is possible if the changes affect projects in the conformity analysis to make financial constraint work. Jean: We'd rather areas not to move on conformity analysis until the need for amendment is verified – including 8-hr ozone. Wade: Because a significant number of planned HBRR supported projects provide for the reconstruction of bridges with no additional travel lanes, which are generally exempt projects under the conformity regulations, the modification to HBRR supported projects in the FTIPs/FSTIP is less likely to result in AQ conformity issues than are, for example, modifications to STIP supported projects listed the FTIPs/FSTIP. However, because HBRR program eligibility is not restricted to bridge reconstruction projects, each MPO will need to consider the FTIP conformity implications of the updated HBRR project list currently being developed by Caltrans.
 - Improvements for Next Round: Jean Mazur
FHWA would like earlier Interagency Consultation to include reviewing conformity analysis BEFORE it goes out for public comment. Examples: TX uses a "Pre-consensus" determination to formally accept assumptions, etc. This might be hard to do here due to time constraints but we do have some local examples that are getting closer. In the last TIP round for the SJV – a boilerplate document was circulated early and work-shopped early. This document is included on the Fresno COG Web

Site. Karina: it was good to have the opportunity to give early comments. Also, SCAG, in their last Conformity working group meeting covered their proposed method for covering 8-hr standard in a memo and presentation. That handout will be posted to the statewide web site. Lastly, MTC sent out a planning assumptions memo (will also be posted). FHWA would like to see a list of financially constrained projects earlier in the process and more clearly documented in the RTP.

11:00 Shingle Springs Litigation – Statewide Implications – Janet Brennan

The case is El Dorado County v. Caltrans, District 3, heard in the Sacramento Superior Court. It has been appealed and it has statewide implications. The decision is concerned with demonstrating no cause/ or contribution to the State ozone standards. The EIR for the project indicated that the measures in SIP are identical to those in the El Dorado state plan (CAP), and found that the project would not impede attainment of the state standard. The Court Findings included: 1) while control measures are the same, no calculations were included in the CAP for meeting the state standard – so there is no way to determine if the standard is being impeded; also, Federal conformity does not show that State standard will be met. 2) It is not infeasible or impractical to do an analysis for the State. Caltrans responded that it is infeasible to do the calculations because the state standards do not have attainment dates, therefore quantification of reductions to meet standards can not be done and without that information, it is not possible to develop state conformity budgets. In the September ruling – such limitation of CEQA by a regulatory program improperly constricts CEQA full disclosure. Caltrans' statements don't explain why no methodology was done to show impacts on the State standard. Only if methodological issues fully explored can we determine whether analysis is reasonable feasible and fully discloses all impacts. On its face, this isn't that difficult a case. Monterey has always required consistency with the State Plan. The plan, however, has no attainment date, and no budgets. The case brings up an enormous issue, since will make it nearly impossible to say that there is no impact on State O3 standard which is being made more stringent. The issue needs attention. How do we address the issue? Legislation?

A copy of decision electronic will be posted on the Caltran's statewide web site. .

Questions: Arnie Sherwood: Any significant project under CEQA will have a significant impact even if area will attain Federal standard. We need to describe significant thresholds & mitigation. The Federal plan has 20 year conformity window. How does State law address this? Response: (Janet) The districts make a good faith effort. ARB or anybody can do an analysis of future State attainment status. Monterey's view of transportation projects is that we can't look at project independent of system as whole – so the APCD has not asked for calculations of individual projects and assess if we have accommodated the emissions in State plan. Typically the RTP needs to be the place to address the issue, perhaps in the RTP CEQA document. After that it gets difficult with out a plan showing when State standard is attained to show project-level consistency. El Dorado's State plan is old and meeting the Federal requirements was more stringent. We need more attention to consistency with the State Plan.

ARB Response: (Dennis) It would be difficult to make a showing. MarcChyttilo: the problem is because ARB hasn't required it. But the CCAA has requirements for reducing transportation emissions – ARB has tried, but hasn't reached the point of doing conformity yet. The State plan should be good enough to address the court. Response: (Janet): The CCAA required a 5 percent reduction over 3yrs – nobody did that – so do all feasible control measures are required but there is no requirement for attainment by a date. Budgets were required for transportation planning, early on, but that has gone by wayside over the years. (Marc): The CCAA does have attainment dates; the 5 percent requirement does not supplant the CCAA dates. All feasible measures are for those who can't meet the dates.

Doug Eisenger suggested that the Statewide group put together whitepaper on the issues and how to deal with it technically. Janet, Dennis and Mike Brady all agreed that the paper can't be done to help prior to appeal decision. Janet: thinks it's a huge issue: we need our best thinkers to look at it

and develop an approach. We don't want to have to make a Statement of Overriding Considerations for every project.

11:10 US EPA Updates

- Recent EPA Actions (Adequacy, plan approvals) – Karina O'Connor
 - Imperial Valley: EPA signed two rules on August 3, 2004: First, prompted by a recent Ninth Circuit Court Order, EPA signed a final rule to reclassify the Imperial Valley from a moderate to a "serious" PM-10 nonattainment area. Second, EPA signed a proposed rule that would find that the Imperial County failed to attain the national PM-10 standard for serious nonattainment areas by December 31, 2001. These two rules were published in the FR on August 11, 2004, the classification was effective 9/10/04. Comments were due on the failure to attain by 9/10/04.
- Amendments to Conformity Rule & Litigation – Karina O'Connor
 - PM10/PM2.5 proposal: Focus in the proposal will be on hotspot modeling requirements. Schedule: probably won't come out until December with a 30 day comment period. Final notice probably won't be drafted until February.
 - Litigation issues on 2004 rule: (ED, Sierra Club, NRDC and TRANSDEF), OTAQ has now received the petition for review, focusing in on (1) failure to finalize rules for PM2.5 hotspot analyses, (2) provision which allows 8 hour ozone areas to use the interim tests instead of budgets, (3) provision that allows conformity determination to rely on a previous emissions analysis (minor updates, etc), (4) change to latest planning assumptions requirement (changed timing of when the latest planning requirements are locked in). There could be additional issues in the brief. DOJ has indicated that the certified index was due on October 26th.
 - Guidance: EPA will soon post a summary of July rule by section, Analysis years for areas using the budget test for the 8 hour standard (attainment date)
- 8-hour Implementation Rule / PM2.5 designations – John Kelly
 - 8 hour rule: The 8 hour implementation rule was split into 2 phases: Phase 1 covered designations and antibacksliding (e.g. how to do classifications /attainment dates); Phase 2 is everything else (e.g. NSR, RACT). Phase 2 is now expected to be published in the Nov-Dec 04 timeframe. Some litigation on Phase 1 and designations has been filed regarding the classification system; antibacksliding, and NSR
 - PM designations / Implementation rule: Expected for release in mid-December, likely effective January or February 2005. Only 3 areas in R9 are included, (all in CA): San Joaquin Valley, South Coast, and San Diego. The Implementation Rule will probably come out during the same time as designations, it will be a proposal; the effective date is unknown – sometime later in 05.
- Conformity SIPs (Guidance) – Karina / John Kelly
 - Upcoming OTAQ guidance: Covers areas with approved Conformity SIPs (Bay Area), goes through the 2004 rule section by section since some sections will not apply to areas with approved SIPs – only those ones directly related to the court proposal or the new standards apply. Some of the rule clarifications and streamlining actions (removal of triggers) do not apply.
 - EPA review - John Kelly: We'd like to get you comments before any SIP changes are made in response to new rule. We need to first address what has changed since the SIPs were submitted and if there are any approvability issues. A new conformity SIP clock will be started once the PM proposals are finalized.
Questions: (1) Cari Anderson: If we know of major changes, should we withdraw the SIP submittal? Response: You could withdraw it but you could also resubmit the revised sections – which would keep the submittal at EPA.
(2) Eyvonne Sells: We've had a pending item at our board meeting for SIP revisions for the last couple of years – should we hold it longer? Response: You should probably hold off on board action since you'll need to revise the rule portion again when the PM amendments are finalized.

- Saftea proposal – At least one of the proposals may remove the need for the rule portion of the conformity SIP – requiring only the consultation portion.

11:40 Lunch Break

1:00 ARB General Updates

- **CO Maintenance Plan – Dennis Wade**
The plan will be submitted to EPA shortly. We waited until after October TIP approvals so to proceed. Questions: Cari: Will adequacy be determined within 6 months? What about the FHWA conditions, could there be impacts related to new budgets? Response: Dennis: The original intent was to work with the October 4th date, we need to review potential impacts on the next conformity determinations. (Update: the CO plan has now been submitted to EPA, an adequacy finding is expected in late March).

- **8 Hour ROP / Attainment Plans / Coordination- Kurt Karperos**
ARB is developing similar schedules for the northern half of the state (N of Tehachapis) and the southern half of the state. Working backwards from the SIP due date, ARB needs to act by spring of 2007 for submittal by June 2007 to EPA. Therefore the Air Districts must approve the SIPs by early Jan/Feb 2007. So expect to see draft plans developed by fall of 2006; with emission targets developed by mid-2006. The emission inventory (finalize/grid version) needs to be started by mid-2005 and the inventory inputs frozen in mid-2005. EMFAC revisions need to be finalized by mid-2005; working versions by spring 2006. There is an obvious disconnect between the modeling inventories and the final planning inventories if new and significantly different activity data occurs in 2006 or 2007, when the SIPs are due. So we have inserted a placeholder for critical activity updates around 9/06 we will insert any updates available at that time to use in budget. Can't roll into EMFAC VMT (except via WIS), then but could use for budget development. No full solution for disconnect.

Questions: L Seitz: What form of activity data will be requested & what will be done with the information? Will the data will be input into ITN/photochemical model or just BURDEN? Response: Doug Thompson: We need VMT by speed group & time of day, for the planning inventories which will come from EMFAC but should be consistent with ITN data. Dennis Wade: ITN data will usually be the same as in EMFAC. In December timeframe the data should certainly be same data. Question: Cari Anderson: Has the letter requesting the data gone out yet? Response: Doug Thompson: not yet. Timing – late summer 2006 will be the last chance to fold new activity data into budgets before SIP goes out.

Questions: Will ROP be a part of 2007 submittal? Response: (EPA) Yes. Question: Can ROP plans be done earlier? Response (EPA): Yes. Question: Why aren't they due in 2 years? Response: (John Kelly): The details will be in the Phase 2 implementation rules. We had originally proposed that the ROP plans be due in June of 2006 but received many negative comments so have moved the deadline to 2007 when the attainment plans are due. Question: Sara Siwek – Has there been a final decision whether or not to have ROP plans? Response: John Kelly: They are not due previous to the attainment demonstrations; all will be due in 2007. Question: Sara Siwek: I had thought that Headquarters folks had indicated that no decision had been finalized. Response: John Kelly: This will be finalized in the Phase 2 rule. Question: Eyvonne Sells: Will ARB post the schedule online?

- **Applicable Budgets Spreadsheet – Doug Ito**
Since we have now finished the last round of updating SIPs, we now need to update the spreadsheet of budgets online. We'd like to add the links to FR actions. I will send the draft spreadsheet for Conformity web site and eventually also post on the ARB site.
- **Statewide Conformity Rule –Dennis Wade**
There has been a few requests for ARB to adopt the verbatim portions of the conformity SIP and produce a statewide rule which would streamline most local area's conformity SIP.

However, there is not currently a push to complete this until the Conformity Rule updates are completed and SAFETEA moves further forward.

Questions: Eyvonne: what is the timeframe for the statewide rule? Response: Dennis Wade: We are in holding pending SAFETEA and other rule amends. Do not expect anything before mid2005. Question: What is the status of the old submittals? Response: Karina: We are currently reviewing the submittals for changes since they have been sent in. If you have changed, your SIP, please contact EPA (John Kelly). Question: Eyvonne: SoCo submitted it's SIP awhile ago, what is the status? Response: Karina: It is in our SIP backlog; we need to first check to see if you've incorporated out previous comments, made any changes, etc. If the consultation portion has changed, please contact EPA.

- CMAQ Methods (PM) - Dennis Wade

In previous statewide conformity meetings, ARB has been requested to re-examine the ARB CMAQ guidance on analysis procedures for PM. Clarification from Cari Anderson: SJV would like ARB to develop methods for current CMAQ that are specific to reentrained road dust/PM projects which were included in the area's PM10 plan. The current methods only apply to PM from exhaust, however, the SJV effort is focused on fugitive dust. Dennis Wade: ARB is willing to do this effort but the timing is indeterminate.

- Activity Development Updates for SIPs: Doug Thompson

ARB is currently in an effort to collect the best available activity data. Mark Carlock would like the data by 12/1/04, we can not guarantee that the data will be processed for modeling and EMFAC2005 if received later but will try. The letter requesting the VMT data will be out soon. MPOs and districts should expect to receive the letter the week of November 15th. ARB has new internal review procedures that involve both planning and inventory branches. We will follow up on activity submittals with questions about these forecasts to assist SIP documentation. The APCDs will be partners & discuss the results with the COGs as needed. Because many MPOs may wish us to process activity updates prior to SIP adoption, we'll need to develop a more efficient change process (a new batch process/spreadsheet input for EMFAC). ARB will propose a different VMT distribution for HDT in EMFAC2005 based on Caltrans' MVSTAFF model. We are looking for input especially from agencies that do their own HDT projections.

Questions: Cari Anderson: What is the final date that you need QA's data? Response: Doug Thompson: The final date will go out with letter. Question: LSeitz: What happening in ITN? The ITN/EMFAC data should be consistent. Response: Doug Thompson: For planning, the inventory need more years than in ITN. Question: LSeitz: ITN will be used to develop the gridded inventories for photochemical modeling correct? Will it also be used for development of the budgets? Response: Doug Thompson: We will need DTIM or equiv to distribute VMT spatially. Question: LSeitz: Will photochemical modeling be used for SIP? Response: Doug Thompson: We have not contemplated that the Airshed model or ITN would directly generate emission budgets; we will use summary info from EMFAC/Burden for that. Photochemical will be completed, but the budgets will be based on the amount of emission reductions needed. Question: LSeitz: What is needed for the new submittal in Dec04? Response: DT: New ITN traffic data to drive photochemical modeling and summary activity data (VMT by speed group by time period) for next summer's EMFAC2005 inventory. Question: SBCAG: We will submit activity data then ARB will spatially distribute? We understand that we will supply loaded network to ITN **and** Burden. Response: Doug Thompson: That is correct.

Question: Arnie Sherwood: Due to the changes in the truck VMT, it would seem that some areas may require changes to their PM SIPs and budgets as well. How is that change being coordinated? Response: DT: The need is very possible. South Coast will revisit their PM SIP along with development of the 8hr Ozone SIP. Kurt K: SJV must also update their PM SIP in 2006 – that SIP should incorporate the truck VMT changes. We will be talking with the District about these issues.

1:30 **ARB EMFAC Updates**

- [EMFAC Workshop & Timing](#)– Dennis Wade

The slides presented are all highlights from the EMFAC workshop presentation, which is on the ARB web site. The schedules for activity updates and EMFAC updates should result in an EMFAC05 submission to EPA in early 2007.

Questions: FACILITY-TYPE EMISSION FACTORS – What are the before/after impacts of changes? Response: Dennis Wade: We can't identify that yet – since the work is still in progress. We will hold more workshops early '05 with some updates. Question: Jim D.(SB): Will the same method be used as in 2002 regarding vehicle registration data vs unregistered vehicles? Response: Dennis Wade: We don't know; Mark Carlock did not discuss this at the previous EMFAC workshop. Question: L Seitz: Will trip end information be brought into BURDEN? Response: Dennis Wade: We are probably not changing the model in that respect, but we can work w/regions to incorporate if needed. Question: Jean Mazur, FHWA: Do the PM2.5 precursors include: NOx VOC SOx? How will ammonia be calculated? Response: Dennis Wade: probably no ammonia in EMFAC05, but we may be able to develop a separate method for that. Doug Thompson: The ammonia test program was not completed since ammonia sticks to the testing equipment, we don't have sufficient data to incorporate it into EMFAC yet. Alt method? NH3 existing inventory methods could be adapted. Question: Doug Eisinger: Are there any air toxics projections in EMFAC05? Response: Doug Thompson: Diesel particulate is part of EMFAC. We have methods for speciating VOCs. But no plans to incorporate in EMFAC yet. Question: Cari Anderson: Is the CRC study that you mentioned available for review or has it already been finalized? Response: it's been finalized. Question: Cari Anderson: What about the NAFTA model/data for review? Response: Yes, but we're not certain how to do it. Dennis Wade: The information is based on both MVSTAFF and ARB GIS work to estimate paths. Use in ITN too? No. SCAG region truck model will be used. Timing may not jibe.

2:15 **Status of Transportation and Air Quality Planning in California**

a) Near Term Air Quality Plans (Bay Area (1 hr), Sacramento (8 hr), SJV (1 hr)) – Area Representatives

Bay Area: Combining w/other planning documents. Expect to have full air quality plan out in Dec for review. The plan will be finalized in April.

Sacramento: 8hr ozone ROP plan to Board in the summer 2005. The schedule will depend on potential impacts from EPA's Phase 2 rule.

SJV: The extreme plan is done and to ARB, to EPA on November 15th. We expect the new budgets to be adequate by February 2005; the 8hr schedule is drafted but may change. The PM₁₀ plan update is due in 2006.

b) [RTP and TIP updates for the 8 Hour standard](#) (Approach and Schedule): Jean Mazur & Karina O'Connor, Area Representatives

8hr Ozone Conformity Approach Questions. (see last page).

Schedules for 8h findings: Depends on Phase 2 etc and FSTIP issues being resolved, but here are the plans for completion of the 8 hour conformity analyses as envisioned:

San Diego: Late April 2005

SCAG; not sure, hoping for February 2005

MTC (Bay Area): planning to amend the 2005TIP+2030 Plan and submit in March 2005 using old 1 hour budget (since the new plan won't be completed at that time)

Sacramento: We'll do the analysis as soon as the 8hr ROP plan is done

San Joaquin Valley: Our response depends on when the FSTIP issues are resolved, but we were hoping for February 2005 using the older 1 hour budgets.

Butte – not at meeting.

c) Conformity SIP or TCM Substitution Rule Updates (Any submissions in next year?)

– Area Representatives

Conformity SIPs: None.

TCM Substitution Rules: The Bay Area will update their conformity SIP with the next ozone plan submittal. The South Coast has not reevaluated their TCM rule with the newer EPA guidance. Eyvonne- we're hoping for feedback from EPA. Must this be a SIP revision? Response (EPA): yes. Sacramento is considering a TCM substitution rule with the 8 hour ozone 2007 attainment SIP.

3:15 **Information Sharing**

- ARB Solid Waste Collection Vehicle Rule – Sara Siwek

Sara recommended that areas consider this rule and consider the need for additional NO_x reductions for PM_{2.5} plans and recommended using CMAQ money to supplement reductions to get excess reductions

- Staff Changes, Chair for 2005 – Karina, Dennis

CARB: Dennis Wade is now the conformity lead for ARB conformity. He's still in the process of coming back up to speed.

EPA: Karina: I will be on maternity leave in mid-December thru February; John Kelly will be able to respond to questions and focus on the 8hr implementation rule, 8 hour conformity analysis or the Conformity SIPs; contact information for conformity staff:

- Becky Rosen (415) 947-4152, Rosen.Rebecca@epa.gov
- Toby Tiktinsky (415) 947-4223 (who will be working with Sacramento), Tiktinsky.Toby@epa.gov
- John J Kelly (415) 947-4151 (lead for conformity SIPs and 8 hour implementation), Kelly.JohnJ@epa.gov
- Ginger Vagenas (415) 972-3964 (lead for Bay Area), vagenas.ginger@epa.gov

The chair of the working group for next year will be Mike Brady from Caltrans, keep your eye on the web site:

http://www.dot.ca.gov/hq/env/air/State_CWG/CWGindex.htm for upcoming meeting agendas and handouts.

- The Next Meeting will be on January 27th in San Diego.

3:30 **Adjournment**

8-HOUR CONFORMITY DETERMINATIONS

General Questions

- Q1: Does the conformity determination for the 8-hour ozone standard restart the 3-year planning clock?
- A1: The three-year planning clock would only be re-set if the MPO performed an update to the RTP in conjunction with the conformity determination.
- Q2: If an area is nonattainment for multiple pollutants, does the conformity determination for the 8-hour ozone standard have to include the other pollutants?
- A2: If the conformity determination is based on a new regional emissions analysis it must include all pollutants for which the area is designated nonattainment or maintenance. If none of the planning assumptions or project information is changing, then an MPO can “rely on a previous regional emissions analysis” for the other pollutants. Requirements for relying on a previous regional emissions analysis are found in section 93.122(g) of the transportation conformity rule. Please note that relying on a previous regional emissions analysis does not re-set either the 3-year planning clock or the 3-year conformity clock.
- Q3: If there is no associated RTP/TIP update or amendment, what documentation should be circulated for the 8-hour conformity determinations (do MPOs have to re-circulate the whole RTP/TIP again)?
- A3: Only the conformity documentation needs to be re-circulated. However, the project listing with the revised analysis year dates needs to be included in the conformity documentation. Additionally, the conformity documentation should at least provide a reference to the RTP and TIP. A website location would also be helpful.
- Q4: Does the timely implementation of TCMs have to be addressed in the new conformity determinations?
- A4: Yes, timely implementation of TCMs has to be addressed. You should recheck the TCM project schedules.
- Q5: Does financial constraint need to be addressed in the conformity documentation?
- A5: Yes, but the level of effort regarding the financial constraint demonstration will probably depend on what the MPO is doing in conjunction with the conformity analysis. If there is an associated RTP/FTIP amendment, the MPO should coordinate the level of financial documentation with the FHWA transportation planner. If the MPO is only performing a conformity determination to satisfy 8-hour ozone standard requirements then the MPO should, at a minimum, reaffirm that the financial constraint information as included in the RTP and FTIP is still valid and note that the conformity determination is based on the list of financially-constrained projects in the RTP and FTIP.
- Q6: What type of public involvement has to be performed for the conformity determination?
- A6: Public involvement should be conducted in accordance with the locally adopted public involvement procedures. If there is no associated RTP/TIP update or amendment and the individual MPO public involvement procedures do not include procedures for stand alone conformity determinations, then a minimum 30-day public comment period should be used.
- Q7: What year should be used for analysis of the attainment year?
- A7: Note that this only applies to areas using their 1 hour SIP budgets to show conformity for the 8 hour standard. Before an 8-hour ozone SIP is adequate or approved, these areas may perform a regional emissions analysis and demonstrate consistency for either the statutory maximum attainment date or for the prior year. For example, an 8-hour ozone

moderate nonattainment area using a 1-hour conformity budget to show conformity for the 8-hour standard is required to include the 8-hour attainment year as an analysis year. The area could pick either 2010, which is its statutory maximum attainment date, or 2009 which is the last possible year for the area to implement controls that are needed as part of its attainment demonstration.

Q8: Does the 8-hour conformity determination have to be made for both the RTP and TIP?

A8: Yes, the conformity requirements pertain to both the RTP and TIP.

Q9: When do 8-hour ozone conformity determinations have to be complete?

A9: In order to avoid a conformity lapse, the USDOT conformity determination has to be complete by June 15, 2005.

Q11: When does FHWA/FTA need the final conformity documentation in order to make a conformity determination on the RTPs and FTIPs by June 15, 2004?

A11: The answer depends on if the RTP/FTIP has changed or if it's just a simple submittal of the conformity analysis.

Area Specific Questions

Q: SCAG - Do the portions of the 1-hour ozone mobile source emissions budgets that are applied to the 8-hour ozone standard need a new adequacy finding prior to using them for a conformity determination?

A: No, they do not need a new adequacy finding. They were reviewed as part of the area's previous adequacy finding.

Q: SANDAG - What emissions test should be used for an analysis year that is earlier than the year that the current one-hour budgets are set for?

A: Interagency consultation should be used to determine the most appropriate test. In general, however, if there are no budgets for the 8-hour attainment year that are currently being used for conformity purposes, then the appropriate interim emissions test (or both tests for moderate and above 8-hour ozone areas) should be used for that analysis year and the 1-hour budgets should be used for all analysis years subsequent to the year the budget was set for. There is an example of this scenario in the presentations from the workshops.

Q: SJV - In nonattainment areas with multiple MPOs, what should the documentation include given the current policy that all MPOs must have a conforming RTP and TIP in order for any of the MPOs to make a conformity determination.

A: The documentation should include a statement that all the MPOs in the nonattainment area have currently conforming RTPs and TIPs. It should be noted that FHWA will not make an initial 8-hour conformity determination until it has received all of the determinations from the individual MPOs. (See the July 2004 Multi-jurisdiction Guidance Part IV, Questions 7 and 8).